

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Guzman	Team: Squad #4	CCRB Case #: 201907536	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/10/2019 10:45 AM, NA, 04/___/2019 12:00 PM	Location of Incident: § 87(2)(b) over the telephone	Precinct: 49	18 Mo. SOL 10/10/2020	EO SOL 5/27/2021	
Date/Time CV Reported Fri, 08/23/2019 4:24 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/23/2019 4:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Frank Cirminello	05715	929897	049 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 David Popowich	04992	924352	049 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Frank Cirminello	Abuse: On April 10, 2019, at § 87(2)(b), Detective Frank Cirminello propositioned § 87(2)(b)	§ 87(2)(b)
B.DT3 Frank Cirminello	Abuse: On an unknown date, over the telephone, Detective Frank Cirminello made a sexually suggestive remark to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 26, 2019, § 87(2)(b) filed this complaint with the CCRB via the online website.

On April 10, 2019, at approximately 10:45 a.m., at § 87(2)(b) in the Bronx, Detective Frank Cirminello allegedly asked § 87(2)(b) out for a coffee (**Allegation A: Abuse of Authority**, § 87(2)(g)).

Approximately two weeks later, on an unknown date, sometime between 12:00 p.m. to 1:00 p.m., Detective Cirminello allegedly called § 87(2)(b) via telephone and told her, “I know you don’t like to wear panties,” and that he would get her “a badge and something see-through to wear” (**Allegation B: Abuse of Authority**, § 87(2)(g)).

Findings and Recommendations

Allegation (A) Abuse of Authority: On April 10, 2019, at § 87(2)(b), Detective Frank Cirminello propositioned § 87(2)(b)

It is undisputed that Detective Cirminello and § 87(2)(b) interacted within § 87(2)(b) on April 10, 2019.

§ 87(2)(b) testified (BR 01) that she walked down the stairs of her apartment within § 87(2)(b) and saw Detective Cirminello and Det. David Popowich knocking on the door of § 87(2)(b), who § 87(2)(b) previously had a dispute with. § 87(2)(b) told the detectives that § 87(2)(b) had moved away and informed them about their ongoing issues. § 87(2)(b) and the detectives spoke for a few minutes. Det. Cirminello then asked § 87(2)(b) if he could take her out for a coffee.

Det. Cirminello testified (BR 02) that he and Det. Popowich went to § 87(2)(b) and knocked on § 87(2)(b) door for approximately five minutes. During that time, § 87(2)(b) approached and spoke to the detectives from the staircase above. § 87(2)(b) told the detectives that she had an open complaint against § 87(2)(b) and that she believed § 87(2)(b) had moved out of her apartment. Det. Cirminello denied asking § 87(2)(b) out for a coffee.

Det. Popowich retired from the NYPD on July 7, 2019 and was, thus, unable to be interviewed regarding this incident (BR 05).

§ 87(2)(g)

Allegation (B) Abuse of Authority: On an unknown date, over the telephone, Detective Frank Cirminello made a sexually suggestive remark to § 87(2)(b)

§ 87(2)(b) testified that approximately two weeks later, she received a telephone call from Det. Cirminello. § 87(2)(b) did not remember if the telephone number Det. Cirminello called from was blocked or visible. During the call, Det. Cirminello asked § 87(2)(b) questions regarding her dispute with § 87(2)(b) and told § 87(2)(b) that she had provided great evidence for her case and should become a detective. Det. Cirminello stated, “I know you don’t like to wear panties.” § 87(2)(b) initially testified that Det. Cirminello told her he would get her a badge and something “see through” to wear. § 87(2)(b) later clarified that Det. Cirminello said he would buy § 87(2)(b) something revealing to wear. Det. Cirminello stated to § 87(2)(b) “We’ll get you some pajamas,

then we're going to get you a badge and you can come work as a detective because you did such a good job collecting your evidence."

Det. Cirminello testified that he never called § 87(2)(b) or made any sexually suggestive remarks to § 87(2)(b). Det. Cirminello denied stating to § 87(2)(b) "I know you don't like to wear panties." Det. Cirminello denied telling § 87(2)(b) that he was going to get her something revealing or see-through to wear, or get her NYPD pajamas.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two other CCRB complaints (BR 03):
 - § 87(2)(b)
 -
- Detective Cirminello has been a member of service for 17 years and this is the first complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On December 30, 2019, a FOIL request for a Notice of Claim was sent to the NYC Comptroller's Office. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

